



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
HEATON, Keith Patrick
et al
Serial No.: **10/009,294**
Filed: **June 6, 2002**

For: **WOUND TREATMENT
APPARATUS EMPLOYING
REDUCED PRESSURE**

Examiner: LEWIS, Kim M.

Group Art Unit: 3761

Attorney Docket No.: VAC.704.US

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TECHNOLOGY CENTER R3700

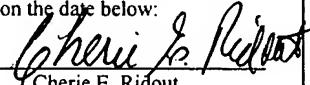
Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING

37 C.F.R. § 1.8

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03/21/2005
Date


Cherie E. Ridout

Dear Sir or Madam:

INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. §1.97
First Supplemental Statement

In compliance with the duty of disclosure set forth in 37 C.F.R. §1.56, Applicants are submitting herewith a Form PTO/SB/08A and a copy of the references listed thereon. This Information Disclosure Statement is being filed more than three months after the filing date of the application. This Information Disclosure Statement is being filed in accordance with 37 C.F.R. §1.97(c)(2). The Commissioner is authorized to charge the required fees to deposit account no. 500326.

03/25/2005 BABRAHA1 00000049 500326 10009294

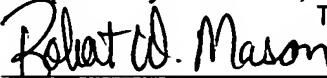
01 FC:1806 180.00 DA

Applicants respectfully request full and proper consideration of the listed information during examination of the application, and that the listed information be printed on any patent that issues therefrom.

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Respectfully submitted,


Robert W. Mason

TECHNOLOGY CENTER R3700

Robert W. Mason

Reg. No. 42,848

Attorney for the Applicant

Telephone: (210) 255-6271

Facsimile: (210) 255-6969

Enclosures: Fee Transmittal
Transmittal Form

Form PTO/SB/08A (7 pages)

Copies of foreign patents and non-patent information documents referenced on
Form PTO/SB/08A

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

41
3761
41
PTO/SB/21 (09-04)

Application Number	10/009,294
Filing Date	June 6, 2002
First Named Inventor	HEATON, Keith P.
Art Unit	3761
Examiner Name	LEWIS, Kim M.
Attorney Docket Number	VAC.704.US

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ENCLOSURES (Check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Information Disclosure Statement filed under 37 CFR§1.97; PTO/SB/08A with referenced Foreign patents & non patent literature documents Acknowledgement Postcard
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Kinetic Concepts, Inc.		
Signature			
Printed name	Robert W. Mason		
Date	21 March 2005	Reg. No.	42,848

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name	Robert W. Mason	Date	21 March 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Effective on 12/08/2004.

Fees subject to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL For FY 2005

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)
 180.00
Complete if KnownApplication Number **10/009,294**Filing Date **June 6, 2002**First Named Inventor **HEATON, Keith P.**Examiner Name **LEWIS, Kim M.**Art Unit **3761**Attorney Docket No. **VAC.704.US****RECEIVED****MAR 28 2005****TECHNOLOGY CENTER R3700****METHOD OF PAYMENT** (check all that apply)
 Check Credit Card Money Order None Other (please identify): _____

 Deposit Account Deposit Account Number: **500326** Deposit Account Name: **Kinetic Concepts, Inc.**

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

 Charge fee(s) indicated below Charge fee(s) indicated below, except for the filing fee

 Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

<u>Application Type</u>	<u>FILING FEES</u>		<u>SEARCH FEES</u>		<u>EXAMINATION FEES</u>		
	<u>Fee (\$)</u>	<u>Small Entity Fee (\$)</u>	<u>Fee (\$)</u>	<u>Small Entity Fee (\$)</u>	<u>Fee (\$)</u>	<u>Small Entity Fee (\$)</u>	<u>Fees Paid (\$)</u>
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEESFee Description

Each claim over 20 (including Reissues)

Each independent claim over 3 (including Reissues)

Multiple dependent claims

<u>Total Claims</u>	<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>	<u>Small Entity Fee (\$)</u>	<u>Fee (\$)</u>	<u>Fee (\$)</u>
	- 20 or HP =	x	=			
				50	25	
				200	100	

HP = highest number of total claims paid for, if greater than 20.

<u>Indep. Claims</u>	<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>	<u>Multiple Dependent Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>
	- 3 or HP =	x	=			
					360	180

HP = highest number of independent claims paid for, if greater than 3.

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

<u>Total Sheets</u>	<u>Extra Sheets</u>	<u>Number of each additional 50 or fraction thereof</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>
		- 100 = / 50 = (round up to a whole number) x		=

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): IDS Late Filing SurchargeFees Paid (\$)180.00**SUBMITTED BY**

<u>Signature</u>	<u>Robert W. Mason</u>	<u>Registration No.</u> (Attorney/Agent) 42,848	<u>Telephone</u> 210 255 6271
<u>Name (Print/Type)</u>	<u>Robert W. Mason</u>		<u>Date</u> 21 <u>March 2005</u>

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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7-8 TRADEMARKS Institute for form 1449/PTO		<i>Complete if Known</i>	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>		Application Number	10/009,294
		Filing Date	June 6, 2002
		First Named Inventor	HEATON, Keith P.
		Art Unit	3761
		Examiner Name	LEWIS, Kim M.
		Attorney Docket Number	VAC.704.US

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet 1 of 7

Complete if Known

Application Number	10/009,294
Filing Date	June 6, 2002
First Named Inventor	HEATON, Keith
Art Unit	3761
Examiner Name	LEWIS, Kim M.
Attorney Docket Number	VAC 704 US

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FOREIGN PATENT DOCUMENTS

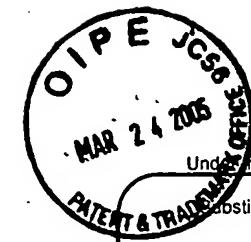
FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)			
		WO 96/05873	02-29-1996	Lina	
		WO 97/18007	05-22-1997	Hunt	
		EP-0161865	11-21-1985	Ward	
		EP-0117632-A2	01-1984	JMcCracken	

Examiner Signature		Date Considered	
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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Sheet 2

of 7

Complete if Known

Application Number	10/009,294
Filing Date	June 6, 2002
First Named Inventor	HEATON, Keith P.
Art Unit	3761
Examiner Name	LEWIS, Kim M.
Attorney Docket Number	VAC.704.US

Sheet 2

of 7

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FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T ⁶
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				
		WO 99/13793	09-09-1998	KCI Medical Ltd		
		AU-745271	03-14-2002	KCI Medical Ltd		
		SG-71559	04-16-2002	KCI Medical Ltd		
		GB-2,329,127 B	08-16-2000	KCI Medical Ltd		
		GB-2,333,965 A	08-11-1999	KCI Medical Ltd		
		AU-755496	12-12-2002	KCI Medical Ltd		

Examiner Signature		Date Considered	
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¹EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ²Applicant's unique citation designation number (optional). ³See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ⁴Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁵For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁶Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁷Applicant is to place a check mark here if English language Translation is attached.

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet 3

of 7

Complete if Known	
Application Number	10/009,294
Filing Date	June 6, 2002
First Named Inventor	HEATON, Keith P.
Art Unit	3761
Examiner Name	LEWIS, Kim M.
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FOREIGN PATENT DOCUMENTS

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Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)			
		GB-692,578	06-10-1953	Minnesota Min..	
		WO 80/02182	10-16-1980	Moss, James	
		WO/94/20041	09-15-1994	WFU/Argenta, L.	
		DE-295 04 378 U1	09-14-1995	MTG	
		DE-43 06 478 A1	09-08-1994	Wagner, W.	
		CA-2005436	06-30-1990	Kalt, Glenda G.	

Examiner Signature		Date Considered	
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

Sheet 4 of 7

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Application Number	10/009,294
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		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				
		WO 93/09727	05-27-1993	Wake Forest Un.		
		GB-2 197 789 A	06-02-1988	Smith Industrie		
		EP-0358 302	03-14-1990	Smith Industrie		
		DE 26 40 413 A1	03 09 1978	Wolf, Richard		
		EP 1 018 967 B1	08-18-2004	Heaton, Keith P		

Examiner Signature		Date Considered	
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Sheet 5

of 7

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Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
		Number-Kind Code ² (if known)		Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		US 5,437,622	08-01-1995	Carion, Jean-Pierre
		US 6,345,623	02-12-2002	Heaton, K., et al
		US 6,553,998	04-29-2003	Heaton, K., et al
		US 6,814,079	11-09-2004	Heaton, K., et al
		US 5,437,651	08-01-1995	Todd, R., et al
		US 5,549,584	08-27-1996	Gross, James R.
		US 5,134,994	08-04-1992	Say, Sam L.
		US 4,710,165	12-01-1987	McNeil, C.B., et al
		US 3,520,300	07-14-1970	Flower, Guiles
		US 4,758,220	07-19-1988	Sundblom, L., et al
		US 5,279,550	01-18-1994	Habib, Magdi, et al
		US 5,092,858	03-03-1992	Benson C.D., et al
		US 5,086,170	02-04-1992	Luheshi A., et al
		US 5,278,100	01-11-1994	Doan, T., et al
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Supplemental for form 1449/PTO

INFORMATION DISCLOSURE
STATEMENT BY APPLICANT

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Complete if Known

Application Number	10/009,294
Filing Date	June 6, 2002
First Named Inventor	HEATON, Keith P. RECEIVED
Art Unit	3761 MAR 28 2005
Examiner Name	LEWIS, Kim M. TECHNOLOGY CENTER R3700

Sheet

6

of

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Attorney Docket Number

VAC.704.US

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		PCT International Search Report; PCT international application PCT/GB98/02713; June 8, 1999	
		PCT Written Opinion; PCT international application PCT/GB98/02713; June 8, 1999	
		PCT International Examination and Search Report, PCT international application PCT/GB96/02802; Jan. 15, 1998 and April 29, 1997	
		PCT Written Opinion, PCT international application PCT/GB/96/02802; September 3, 1997	

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		KOSTYUCHENOK, B.M., et al.; Vacuum Treatment in the Surgical Management of Purulent Wounds; Vestnik Khirurgi, September 1986	
		DAVYDOV, Yu. A., et al; Vacuum Therapy in the Treatment of Purulent Lactation Mastitis; Vestnik Khirurgi, September 1986	
		YUSUPOV, Yu. N., et al; Active Wound Drainage, Vestnik Khirurgi, Vol. 138, Issue 4, 1987.	
		DAVYDOV, Yu. A., et al; Bacteriological and Cytological Assessment of Vacuum Therapy of Purulent Wounds; Vestnik Khirurgi, October 1988	
		DAVYDOV, Yu. A., et al; Concepts For the Clinical-Biological Management of the Wound Process in the Treatment of Purulent Wounds by Means of Vacuum Therapy; Vestnik Khirurgi	
		International Search Report for PCT international application PCT/GB95/01983; November 23, 1995	
		Patent Abstract of Japan; JP4129536; Terumo Corporation; April 30, 1992	
		ORRINGER, JAY, et al., "Management of Wounds in Patients with Complex Enterocutaneous Fistulas", Surgery, Gynecology & Obstetrics, July 1987, V. 165, pp. 79-80.	

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Sheet 1 of 7

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Art Unit	3761
Examiner Name	LEWIS, Kim M.
Attorney Docket Number	VAC.704.US

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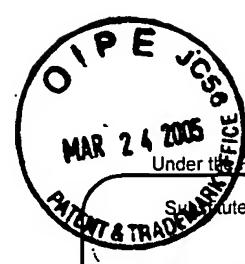
FOREIGN PATENT DOCUMENTS					
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		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)			
		WO 96/05873	02-29-1996	Lina	
		WO 97/18007	05-22-1997	Hunt	
		EP-0161865	11-21-1985	Ward	
		EP-0117632-A2	01-1984	JMcCracken	

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Sheet 2

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Application Number	10/009,294
Filing Date	June 6, 2002
First Named Inventor	HEATON, Keith P.
Art Unit	3761
Examiner Name	LEWIS, Kim M.
Attorney Docket Number	VAC.704.US

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		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				
		WO 99/13793	09-09-1998	KCI Medical Ltd		
		AU-745271	03-14-2002	KCI Medical Ltd		
		SG-71559	04-16-2002	KCI Medical Ltd		
		GB-2,329,127 B	08-16-2000	KCI Medical Ltd		
		GB-2,333,965 A	08-11-1999	KCI Medical Ltd		
		AU-755496	12-12-2002	KCI Medical Ltd		

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Sheet 3 of 17

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Filing Date	June 6, 2002
First Named Inventor	HEATON, Keith P.
Art Unit	3761
Examiner Name	LEWIS, Kim M.
Attorney Docket Number	VAC.704.US

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FOREIGN PATENT DOCUMENTS

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Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T ⁶
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				
		GB-692,578	06-10-1953	Minnesota Min..		
		WO 80/02182	10-16-1980	Moss, James		
		WO/94/20041	09-15-1994	WFU/Argenta, L.		
		DE-295 04 378 U1	09-14-1995	MTG		
		DE-43 06 478 A1	09-08-1994	Wagner, W.		
		CA-2005436	06-30-1990	Kalt, Glenda G.		

Examiner Signature		Date Considered	
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Sheet 4

of 7

Complete if Known

Application Number	10/009,294
Filing Date	June 6, 2002
First Named Inventor	HEATON, Keith P.
Art Unit	3761
Examiner Name	LEWIS, Kim M.
Attorney Docket Number	VAC.704.US

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		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)			
		WO 93/09727	05-27-1993	Wake Forest Un.	
		GB-2 197 789 A	06-02-1988	Smith Industrie	
		EP-0358 302	03-14-1990	Smith Industrie	
		DE 26 40 413 A1	03 09 1978	Wolf, Richard	
		EP 1 018 967 B1	08-18-2004	Heaton, Keith P	

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Sheet 5 of 7

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		Number-Kind Code ² (if known)			
		US- 5,437,622	08-01-1995	Carion, Jean-Pierre	
		US- 6,345,623	02-12-2002	Heaton, K., et al	
		US- 6,553,998	04-29-2003	Heaton, K., et al	
		US- 6,814,079	11-09-2004	Heaton, K., et al	
		US- 5,437,651	08-01-1995	Todd, R., et al	
		US- 5,549,584	08-27-1996	Gross, James R.	
		US- 5,134,994	08-04-1992	Say, Sam L.	
		US- 4,710,165	12-01-1987	McNeil, C.B., et al	MAR 28 2005
		US- 3,520,300	07-14-1970	Flower, Guiles	TECHNOLOGY CENTER P3700
		US- 4,758,220	07-19-1988	Sundblom, L., et al	
		US- 5,279,550	01-18-1994	Habib, Magdi, et al	
		US- 5,092,858	03-03-1992	Benson C.D., et al	
		US- 5,086,170	02-04-1992	Luheshi A., et al	
		US- 5,278,100	01-11-1994	Doan, T., et al	
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		PCT International Search Report; PCT international application PCT/GB98/02713; June 8, 1999	
		PCT Written Opinion; PCT international application PCT/GB98/02713; June 8, 1999	
		PCT International Examination and Search Report, PCT international application PCT/GB96/02802; Jan. 15, 1998 and April 29, 1997	
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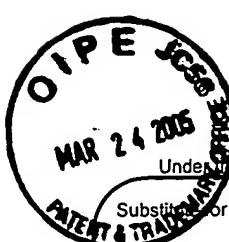
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		KOSTYUCHENOK, B.M, et al.; Vacuum Treatment in the Surgical Management of Purulent Wounds; Vestnik Khirurgi, September 1986	
		DAVYDOV, Yu. A., et al; Vacuum Therapy in the Treatment of Purulent Lactation Mastitis; Vestnik Khirurgi, September 1986	
		YUSUPOV, Yu. N., et al; Active Wound Drainage, Vestnik Khirurgi, Vol. 138, Issue 4, 1987.	
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Examiner Signature	Date Considered
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